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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,894	01/17/2002	Ward Mullins	0036-023	2566
7590	08/24/2004			
Robert G. Lev 4766 Michigan Boulevard Youngstown, OH 44505			EXAMINER NGUYEN, CAM LINH T	
			ART UNIT 2171	PAPER NUMBER

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/046,894

Applicant(s)

MULLINS ET AL.

Examiner

CamLinh Nguyen

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because the drawings fail to place labels into the drawings for easy to understand. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 4 – 6 are objected to because of the following informalities: claims 4 – 6 include a “generic ejb stateful session bean”, but does not have support for it in the disclosure. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 4 – 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 4 – 6, the limitation of “generic ejb” does not have support in the disclosure.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

6. Claims 1 – 3, 7 are rejected under 35 U.S.C. 102(a) as being anticipated by Shigemi et al (U.S. 6,314,434).

◆ As per claim 1, 7,

Shigemi discloses a structured data management system which concerning a structured electronic data object (see the abstract).

Fig. 1 is a complex data object model in which a user can access or navigates the data object, col. 11, and line 13 – 31

◆ As per claim 2, Shigemi discloses:

- “ That does not require any modifications to an object model or the inclusion of any persistence byte code in the object model in order to provide persistence for all or a portion of the CDOG model” As noted above, the tree structure corresponds to the object model, which includes plurality of nodes and associated processing scripts. When a user access to a particular object, the object is identified and executed the corresponding script, not the object model (col. 4, lines 41 – 60).

◆ As per claim 3, Shigemi discloses:

- “ That provides persistence for a CDOG model on a distributed network environment” see col. 6, lines 1 – 5.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 – 6, 8 - 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shigemi et al (U.S. 6,314,434) in view of Ibert et al (U.S. 2003/0195997).

♦ As per claim 4, the combination of Shigemi and Ibert disclose:

With all limitation as claimed in claim 1, further claim 4 includes a “generic ejb stateful session bean”. Shigemi fails to disclose this limitation. However, Ibert et al discloses a method for creating/access an object using Enterprise Java Beans (ejb) without the need of generating Java code (page 3, paragraph 0036).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Ibert about the “ejb” into the system of Shigemi because the combination would reduce the cost and less error prone system (see paragraph 0008, Ibert).

♦ As per claim 5, the combination of Shigemi and Ibert disclose:

- “ That does not require any modifications to an object model or the inclusion of any persistence byte code in the object model in order to provide persistence for all or a portion of the CDOG model” As noted above, the tree structure corresponds to the object model, which includes plurality of nodes and associated processing scripts. When a user access to a particular object, the object is identified and executed the corresponding script, not the object model (col. 4, lines 41 – 60, Shigemi).
- “Generic ejb stateful session bean” See page 3, paragraph 0036, Ibert.

♦ As per claim 6, the combination of Shigemi and Ibert disclose:

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- “ That provides persistence for a CDOG model on a distributed network environment”  
see col. 6, lines 1 – 5, Shigemi.
- “Generic ejb stateful session bean” See page 3, paragraph 0036, Ibert.

◆ As per claim 8 – 10, the combination of Shigemi and Ibert disclose:

With all limitation as in claim 7, further claims 8 - 10 includes a generic ejb stateful session bean (See page 3, paragraph 0036, Ibert).


### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is 305-1951. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Safet Metjahic can be reached on 308-1436. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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